

Juan C. Calderon, H-75038
Name and Prisoner Booking Number
Mule Creek State Prison
Place of Confinement
P.O. Box 409080
Mailing Address
Imperial, CA 95640
City, State, Zip Code



(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Juan C. Calderon
(Full Name of Plaintiff) Plaintiff,
v.
(1) CDCR-Director K. Allison (Acting)
(Full Name of Defendant)
(2) Prison Warden P. Corvello (Acting)
(3) A. Warden B. Holmes
(4) Prison Employees Joe Does 1-10
Defendant(s).
☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 2:21-cv-1896-CKD (PC)
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983 1985(2)(3) and 1986
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
☐ Other: Conspiracy Claims under 1985(2)(3) and 1986

2. Institution/city where violation occurred: Mule Creek State Prison

B. DEFENDANTS

1. Name of first Defendant: "See Additional Pages". The first Defendant is employed as:

(Position and Title) at _____ (Institution)
2. Name of second Defendant: _____. The second Defendant is employed as:

(Position and Title) at _____ (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as:

(Position and Title) at _____ (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:

(Position and Title) at _____ (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 2. Describe the previous lawsuits:

- a. First prior lawsuit:
- Parties: See Additional v. Pages for lack of Info.
 - Court and case number: _____
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
- b. Second prior lawsuit:
- Parties: Juan C. Calderon v. United States of America
 - Court and case number: 2:21-cv-00358-DJB
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?) Active
- c. Third prior lawsuit:
- Parties: _____ v. _____
 - Court and case number: _____
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: "See Additional Pages"

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

"See Additional Pages"

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

"See Additional Pages"

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

CLAIM II

1. State the constitutional or other federal civil right that was violated: "See Additional Pages"

2. **Claim II.** Identify the issue involved. Check only one. State additional issues in separate claims.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

"See Additional Pages"

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

"See Additional Pages"

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

CLAIM III

1. State the constitutional or other federal civil right that was violated: "See Additional Pages"

2. **Claim III.** Identify the issue involved. Check only one. State additional issues in separate claims.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

"See Additional Pages"

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

"See Additional Pages"

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.


E. REQUEST FOR RELIEF

State the relief you are seeking:

"See Additional Pages"

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-15-2021
DATE


SIGNATURE OF PLAINTIFF
In Pro Per

N/A
(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

N/A
(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

VERIFIED PARTIAL COMPLAINT FOR DAMAGES

AND INJUNCTIVE/DECLATORY RELIEF

1) This is a partial civil action under 42 U.S.C. §1983, §1985(2)(3) and 1986 to redress the conspiratorial, arbitrary deprivation, under color of state law, of rights secured by the Constitution. The Court has jurisdiction under 28 U.S.C. §1331 and 1343(a)(3). Plaintiff seeks Declatory Relief and Injunctive Relief pursuant to 28 U.S.C. §2201, 2202, 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure.

2) The Federal District Court of Sacramento is the proper venue under U.S.C. §1391(b)(2) as it is where the events giving rise to these conspiracy claims occurred.

PLAINTIFF

3) Plaintiff is a 49 year old illegal immigrant from Mexico serving a 21 years to Life sentence. He has been involved in the civic engagement to advocate for Social Justice and Mass Incarceration issues, which is the main reason for the defendants irrational, evil and conspiratorial unconstitutional wrongdoings complained of.

EXCEPTIONAL EXTRAORDINARY CIRCUMSTANCES

4) Plaintiff respectfully prays that this Honorable Court take Judicial Notice of these exceptional and extraordinary circumstances underlying the conspiracy claims in this partial complaint.

5) Plaintiff believes and affirms that the U.S. Government has selected Plaintiff to undergo some "classified" governmental experimentation which ended up in the wrong hands, power and control of the defendants after the tragic events of September 11, 2001, as the U.S. government got preoccupied with terrorist war.

6) Plaintiff also believes and affirms that the defendants began their unconstitutional wrongdoing right after 9/11/01 tragic events.

1 7) Plaintiff further believes and affirms that the defendants have abused
2 their power to take total control of Plaintiffs personal life as invasion of
3 privacy "conspiratorial" claim and have got offended , frustrated and capri-
4 cious against Plaintiff due to his civic engagement to advocate for Social
5 Justice as well as mass incarceration issues.

6 8) Therefore, for these reasons set forth above, defendants have abused their
7 governmental power to manipulate the whole prison system, even countrys pop-
8 ulation into the conspiratorial deprivation of Plaintiffs Federally Protected
9 Civil Rights for 20 years now.

10 9) Furthermore, the defendants have assumed and acted under such irrational
11 evil "concept" to punish Plaintiff in association as well as organization with
12 their convicted criminals (i.e., inmates) to create and execute the most de-
13 plorable, evil, criminal acts or activities to abuse, harass and punish plain-
14 tiff as described in this partial and previously withdrawn complaints.

15 10) Hence, this Honorable Court should at least declare this case a crime of
16 hate against Plaintiff and order an appropriate Federal investigation to
17 uncover what really is going on on this particular case so all and each of the
18 defendants can be properly held liable, responsible and accountable.

19 THE CONTINUANCE OF WRONGDOING

20 11) Plaintiff has suffered and continues to suffer the conspiratorial and
21 arbitrary deprivation of rights from the date of his arrest on March 11, 1992,
22 and during the criminal case Court proceedings, jury trial and direct appeal.

23 12) After September 11, 2001, to the present day of October 15, 2021, defen-
24 dants CDCR Driector, prison warden and their subordinates as DOES 1-25, have
25 conspiratorially deprived Plaintiff of Federally protected civil rights without
26 being held accountable for their wrong doing.

27 PARTIES

28 13) Defendant Kathleen Allison is the Secretary of the California Department

1 of Corrections & Rehabilitation(CDCR). She is the custodian of all state pri-
2 soners and responsible for the welfare of all prisoners housed in California
3 prisons.

4 14) Defendant Patrick Covello is the Warden of the Mule Creek State Prison
5 at Ione, California. He maintains custody and control of Plaintiff and is
6 responsible for his well being and the welfare of all inmates at that prison.

7 15) Defendant B. Holmes is the Associate Warden of Mule Creek State Prison.
8 He is also a custodian of Plaintiff and responsible for the welfare of all
9 inmates at the prison.

10 16) Defendants DOES 1 & 2 are Chief Medical Officers at the Mule Creek State
11 Prison. They are in charge of the medical care and health care issues for all
12 prisoners at MCSP.

13 17) Defendants DOES 3-10 are employees at the Mule Creek State Prison. They
14 are Corrections staff and Registered Nurses at the institution.

15 18) Each defendant is sued in their Individual and their Official capacities.
16 At all times referred to in this complaint, they acted under Color of Law.

17 THE PREVIOUS COMPLAINT

18 19) In or around March of 2008, Plaintiff filed a previous complaint in the
19 United States District Court for the Eastern District of California, Fresno
20 Division. However, Plaintiff lacks the required information regarding the
21 previous Complaint due to his hospitalization on April 11, 2017, where the
22 defendants DOES #3-10 have conspiratorially mishandled and destroyed his per-
23 sonal property as part of the ongoing wrongdoing in this case.

24 RELEVANT FACTS OF THE VOLUNTARY WITHDRAWAL

25 20) In or around May of 2008, a few days after previous complaint was filed,
26 Plaintiff was placed in Administrative Segregation(AD-SEG) in a direct act
27 of retaliation.

28 21) In June of 2008, Plaintiff was transferred to Mule Creek State Prison,

1 where a pattern of unconstitutional wrongdoing and retaliation continued as
2 alleged and described in this complaint.

3 22) In or around August of 2008, Plaintiff was placed in Ad-Seg again as
4 retaliation for civil complaint.

5 23) From August 2008 to September 2009, Plaintiff was charged and found
6 Guilty of 10+ disciplinary actions, loss of privileges and C-Status isolation
7 as additional retaliation to interfere with adequate access to the Courts.

8 THE SEXUAL HUMILIATION AND ASSAULT

9 24) In or around November of 2009, Plaintiff was attending church services
10 when several guards removed him from the chapel and escorted him to an iso-
11 lated area where he was physically assaulted and then sexually humiliated
12 by walking him around the facility totally Naked while other prison guards
13 made derogatory remarks about Plaintiffs nationality and civil rights complaint.

14 25) Plaintiff was also placed in Ad-Seg, charged and found Guilty with
15 several disciplinary infractions as part of the unconstitutional wrongdoing
16 alleged herein.

17 26) In or around March of 2010, Plaintiff was released from Ad-Seg and put
18 in a Level IV Maximum Security Institution where the events giving rise to
19 the conspiracy claims occurred.

20 27) Finally, in or around September of 2010, while undergoing the unconstitu-
21 tional wrongdoings as well as loss of privileges and C-Status in addition to
22 mail problems without legal assistance and a new Magistrate Judge appointed
23 due to previous Judges retirement. Plaintiff had no option but to file a
24 motion to voluntarily withdraw the previous Complaint.

25 28) In spite of Plaintiffs withdrawal of the previous Complaint, defendants
26 continued their conspiratorial conduct to deprive Plaintiff of his civil
27 rights.

28 ///

EXHAUSTION OF ADMINISTRATIVE REMEDIES

29) Plaintiff has filed the required prison grievances to all issues addressed in this Complaint.

30) Plaintiff has written hundreds of letters, Staff Complaints and prison 602 grievances. Yet, defendants continued their wrongful acts without being held accountable for anything at all.

31) Some of the incidents and Plaintiffs personal complaints were documented on video recorded causal reports.

32) For the reasons set forth herein, Plaintiff alleges and believes that the defendants have continued with their unconstitutional wrongdoings and irrational conduct as a result of lack of legal accountability in a Court of Law.

CLAIM I

CONSPIRATORIAL, EVIL AND ARBITRARY COTAMINATION
WITH DEADLY COVID-19VIRUS ALONG WITH DENIAL OF
MEDICAL CARE TO CAUSE SUCH DEADLY HARM IN VIOLATION
OF EIGHTH AND FOURTEENTH AMENDMENTS TO U.S. CONST.

FACTS

On 1-28-21, defendants K. Allison, P. Cavello, B. Holmes, and DOES 1 and 2, abused their power inside prison by randomly selecting the Plaintiff to be housed in the facilities Gym by use of force. The Gymnasium was housing inmates infected with the deadly COVID-19 virus..."Everyone thinks and believes the virus is extremely dangerous."

Defendants were randomly selecting their prisoners to be housed in the gym by use of force in order to maintain the gym operating for economic reasons. The Plaintiff and other inmates were subjected to substantial risks of serious and deadly harm, irreparable damages and general suffering.

(Declarations from several inmates and Plaintiff will be available when needed to verify the wrongdoing of the defendants.)

1 Plaintiff alleges and believes that defendants have acted under conspi-
2 racy to cause Plaintiff real serious harm, deadly harm and irreparable harm
3 by denying medical care such as vitamins, minerals, electrolite replacing
4 bottled drinks, and other medications. These were provided to all other inmates
5 in the gym... "Except to the Plaintiff, so, arbitrarily."

6 Plaintiff also alleges and believes that defendants have already done the
7 same thing with the deadly Chicken Pox Virus. (See Claim #3) Hence, what is
8 really happening here is the fact that defendants kept doing the unconstitu-
9 tional wrongs against Plaintiff without being held liable, responsible and
10 accountable in the Court of Law.

11 Defendants have acted with deliberate indifference and evil mind to do
12 serious harm, deadly harm and irreparable harm against Plaintiff in violation
13 of the Cruel and Unusual clause and equal protection of the law clause and all
14 other applicable Constitutional rights under the First, EIGHTH AND Fourteenth
15 Amendments to the U.S. Constitution.

16 Defendants conduct has offended and continues to offend the contemporary
17 standards of human decency, the pre-existing laws of the Constitution.

18 Plaintiff has suffered and continues to suffer the after side adverse
19 effects of such deadly virus; irreparable harm; irreparable injuries; the
20 substantial risk of serious injury; mental anguish; misery; emotional dis-
21 tress; psychological harm; and clear deprivation of basic needs due to the
22 deliberate indifference to serious medical needs.

23 CLAIM II

24 RETALIATORY ACTIONS DUE TO THE FILING OF PRISON
25 GRIEVANCES IN VIOLATION OF THE FIRST AND EIGHTH
26 AMENDMENTS TO THE U.S. CONSTITUTION.

27 FACTS

28 Defendants Allison, Cavello and Holmes have abused their authority to

1 order their prison guards, defendants DOES 3-6, to search Plaintiffs cell in
2 retaliation for the filing of prison grievances:

3 a.) On March 17, 2021, Plaintiff was put in a holding cage while defen-
4 dants DOES 3-6, destroyed, vandalized, and searched Plaintiffs cell, while
5 making offhand remarks about Plaintiffs nationality and CDCR 602 Grievances,
6 such as, "the cell search is for filing too many 602's" and "we will be here
7 as long as you file any more complaints against us," and "Now you will have to
8 watch the wall of your cell." (602 Grievance fully exhausted.)

9 b.) On May 1, 2021, Plaintiff was called to R&R to pick up his new TV.
10 However, defendant Doe #7 refused to give Plaintiff his new TV. Under retalia-
11 tory basis while making offhand remarks about how "he didn't care about any
12 602's and grievances", so go ahead fuckin Mexican file another 602 on me."
13 "I don't give a fuck about your complaining." Plaintiff was deprived of his
14 A1-A privileges as a kitchen worker. (602 Grievance fully exhausted.)

15 c.) IN SAME Month of May, 2021, Plaintiff was again called to R&R to pick
16 up his Quarterly Package. Again, defendant DOE #7 deprived Plaintiff of the
17 most valuable items under retaliatory basis and disrespectful conduct. (602
18 Grievance fully exhausted).

19 d.) At this time some of the defendants of this Partial Complaint have
20 deliberately altered, modified and accused Plaintiff of being a serial rapist
21 and child molester in order to provoke others to commit violence against
22 Plaintiff. (Staff Complaint was filed at Wardens office, mailed to defendants
23 Allison and Holmes.)

24 By doing as alleged herein, defendants abused their power to confiscate
25 and dispose of most or all of Plaintiffs personal property for more than 20
26 different times. Yet, defendants Allison, Cavella, And Holmes have failed to
27 take any reasonable action. Plaintiff was never reimbursed any money for the
28 lost and disposal of his property.

1 Defendants conduct as described above have subjected Plaintiff to the
2 substantial risk of harm, deadly harm and irreparable harm or injury, in
3 violation of the Cruel and Unusual Punishment clause, Equal Protection of the
4 Law clause, and the overall Federally Protected equal protection of the Law
5 under the First, Eighth and Fourteenth Amendment of the U.S. Constitution.

6 Plaintiff alleges and believes once again the fact that defendants have
7 engaged in such arbitrary conduct against Plaintiff due to the lack of lia-
8 bility, responsibility and accountability.

9 Defendants conduct has offended and continues to offend all the contem-
10 porary standards of human decency, respect and dignity against all and each
11 of their prisoners and Plaintiff, in violation of the Federally Protected
12 Civil Rights secured by the Constitution of the United States.

13 Plaintiff has suffered and continues to suffer the unconstitutional living
14 conditions due to the ongoing conspiratorial pattern of wrongdoing; irrepara-
15 ble risk of deadly harm; mental anguish; emotional distress; psychological
16 harm; and general suffering.

17 CLAIM III

18 CONSPIRATORIAL, EVIL AND ARBITRARY CONTAMINATION WITH _____
19 WITH DEADLY CHICKEN POX VIRUS AND DENIAL OF MEDICAL
20 CARE TO CAUSE DEADLY HARM. VIOLATION OF EIGHTH AND
21 FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION

22 FACTS

23 On April 17, 2017, Plaintiff was hospitalized at medical facility in Stock-
24 ton, California. Prior to and after hospitalization, defendants Allison,
25 Covello, and DOES 1 & 2, abused their power to deny any medical care to the
26 serious contamination with Chicken Pox Virus. (602 Grievances were denied with
27 such arbitrary conduct and misleading basis.)

28 Defendants arbitrary conduct to deprive Plaintiff of his Civil Rights have

1 relatively influenced anyone and all prison employees and inmates to create
2 living conditions for Plaintiff which allowed the conspiratorial contamination
3 with Chicken Pox Virus while denying Plaintiff any adequate medical care other
4 than prescribe cream for rash. (602 Grievances are exhausted).

5 By doing as alleged, defendants have acted with deliberate indifference
6 to serious medical need and with evil hatred intended to or likely to cause
7 deadly harm, serious irreparable harm and general suffering, in violation of
8 Cruel and Unusual Clause, equal protection of the law clause and all other
9 Constitutional protections secured by the Constitution of the United States.

10 Defendants have continued with their unconstitutional wrongdoing against
11 Plaintiff due to the lack of legal liability, responsibility and accountability

12 Defendants actions, or inactions, constitutes deliberate indifference with
13 evil hatred to cause deadly harm, serious irreparable harm and general suffering
14 in violation of the contemporary standards of human decency, pre-existing laws
15 and Federally protected rights.

16 Plaintiff has suffered and continues to suffer the irreparable after side
17 effects of the deadly Chicken Pox virus; serious risk of harm; sore throat,
18 open blisters, shingles, rashes, numbness, lack of blood circulation, , misery,
19 mental anguish, emotional distress, psychological harm, and deprivation of
20 basic need constituting Cruel and Unusual Punishment.

21 CLAIM IV

22 CONSPIRATORIAL, EVIL AND ARBITRARY FAILURE TO
23 PROTECT PLAINTIFF BY DENIAL OF SINGLE CELL
24 STATUS AND LACK OF PRIVACY. VIOLATION OF
25 FIRST, FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS
26 TO THE U.S. CONSTITUTION.

27 FACTS

28 Defendants Allison, Cavello, Holmes and their subordinates have deliberate-

1 ly and conspiratorily failed to protect Plaintiff from the unconstitutional
2 wrongdoing in the most antisocial ways of civilization.

3 a.) Some of the defendants, DOCS 3-10, have modified, altered and dis-
4 closed Plaintiffs criminal offenses in order to incite, invite and manipulate
5 prison employees and inmates to punish Plaintiff due to his Nationality and
6 criminal offenses as a foreign alien. "This is the result of the ongoing
7 propaganda of wrongdoing against Plaintiff."

8 b.) Defendants have abused their power to monitor the daily activities
9 of Plaintiff as an invasion of privacy, which is in fact causing the irrational
10 madness on all of the defendants with adverse consequences against Plaintiff.

11 DOCUMENTED VIOLENCE

12 c.) On November of 2005, Plaintiff was assaulted by his cellmate. Plaintiff
13 was charged and convicted of serious disciplinary action and spent 6 months
14 in Ad-Seg while his cellmate received total immunity.

15 d.) In June and August of 2007, Plaintiff was assaulted by cellmates. 2
16 Plaintiff was convicted of disciplinary action, placed on Loss of Privileges
17 and denied 5 years of Parole. His cellmate again received total immunity.

18 e.) From 2008 to 2017, Plaintiff has been assaulted by cellmates and
19 other inmates over one hundred times not documented.

20 f.) In August of 2017, Plaintiff was assaulted by cellmate and convicted
21 of disciplinary offense. Cellmate received immunity.

22 g.) In October of 2017, Plaintiff was assaulted by cellmate and was con-
23 victed of disciplinary offense while cellmate received immunity.

24 Defendants Allison, Cavello and Holmes have deliberately failed to take
25 any action to prevent Plaintiff from getting harmed. Specifically, defendants
26 have denied Plaintiff his single cell status, which this Honorable Court
27 should order such emergency injunctive relief to protect Plaintiff from
28 any more irreparable harm. (See Prayer for Relief.)

EXHAUSTED REMEDIES

Plaintiff has filed 602 Grievances on these unconstitutional wrongdoings described above., however, most of 602 Grievances were screened out, or denied while defendants Cavello and Holmes limited their actions to video-taped complaints in a causal report.

Defendants have acted with deliberate indifference to take any reasonable action to protect Plaintiff by granting his single cell status, hence, defendants are liable for documented and undocumented violence against the Plaintiff, in violation of the Cruel and Unusual and Equal Protection of the Law clause and all other constitutional protections secured by the Constitution of the United States.

As a result of defendants failure to act, Plaintiff has suffered and continues to suffer the constant threat of violence, substantial risk of serious risk of irreparable harm, broken nose, knee injury, blackened eyes, bruises, lacerations, mental anguish, misery, emotional distress, psychological harm , hernias, and deprivation of basic needs for prolonged time of incarceration.

INVASION OF PRIVACY

1) Defendants have abused their governmental power to monitor every aspect of Plaintiffs prison life in such manner as it amounts to invasion of privacy, which has caused such irrational so capricious madness on prison staff and inmates.

2) Defendants have abused their power to monitor Plaintiffs conversations, writing and even legal confidential mail constituting such invasion of privacy and general tort by the infliction of emotional distress, psychological harm mental anguish, misery, and Cruel and Unusual Punishment, in violation of the Eighth Amendment to the U.S. Constitution.

3) Defendants have subjected Plaintiff to such unfair and unethical

1 treatment in violation of the Equal Protection clause of the Fourteenth
2 Amendment to the U.S. Constitution./

3 PERSONAL PLEADING

4 For the reasons set forth on this entire complaint and exceptional and
5 extraordinary circumstances, Plaintiff prays this Court to order a Federal
6 investigation to uncover what's really going on and why the continuance of
7 such unconstitutional wrongdoing in such an irrational so evil arbitrary way.
8 By doin this, the Court will be able to identify each of the defendants for
9 their proper legal liability, responsibility, and accountability for their
10 conspiratorial wrongs against the Plaintiff.

11 CLAIM V

12 CONSPIRATORIAL OBSTRUCTION OF PLAINTIFFS MAIL
13 COMMUNICATION WITH OUTSIDE WORLD AND ACCESS TO
14 THE COURT SYSTEM. VIOLATION OF FIRST, SIXTH, AND
15 FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION.

16 FACTS

17 Defendants K. Allison, P. Cavello, B. Holmes, and DOES 7-10, have conspi-
18 ratorially censored, obstructed and disposed of most, or all of Plaintiffs
19 outgoing mail without any legitimate penological jurisdiction.

20 Plaintiff alleges and believes that as a direct result of the ongoing
21 unconstitutional wrongdoing against his person. The DOE defendants in charge
22 of mail have blatantly deprived Plaintiff of his Constitutional right to com-
23 municate with outside people, media and lawyers in order to isolate Plaintiff
24 inside prison to interfere with adequate access to the Courts.

25 Plaintiff also alleges and believes that ~~none~~ of his hundreds of letters
26 ~~were~~ mailed out as he is actually isolated without communication with his
27 family in Mexico for 15 years now, and outside world population also.
28 */// Except a few relatives, church members and Mexican consulate.*

MENTAL/EMOTIONAL/PSYCHOLOGICAL HARM

Plaintiff further alleges and believes that ongoing pattern of the unconstitutional wrongdoing against , have in fact caused excessive general damages, which have impaired mental abilities to write, explain and describe the adverse consequences to the unconstitutional living conditions.

PLAINTIFF'S REAL TRUTH

Plaintiff has suffered and experienced severe child abuse, negligence and disciplinary beatings during his childhood, which along with car accident while 8 years old have in fact traumatized Plaintiff leading up to dysfunctional life worsened by lack of education and bad inherited genes.

Notwithstanding, Plaintiff has never disrespected any of the defendants and criminal conviction was in fact obtained under limited informational events to protect the professional interests of prosecution rather than to serve justice.

For it, Plaintiffs criminal case was originally settled down as manslaughter offense with eleven (11) years half time to serve plea offer. The end result, the deprivation of all the constitutional rights to effective assistance of counsel; present a defence of law and facts; confrontation clause; Equal Protection Clause; Due Process of Law Clause; the Rebuttal clause; proper fair speedy trial. Plaintiff has never been able to challenge the violation of his Federally protected Constitutional rights for 28 years.

ACTUAL INJURIES

Defendants arbitrary and unconstitutional wrongdoings against Plaintiff on this partial complaint and previous complaint any sooner than date of 10-15-21

By doing as alleged herein, Defendants have caused such irreparable injuries, which have precluded Plaintiff from obtaining professional legal assistance, adequate access to the law library and writing and filing this partial complaint professionally. Plaintiff has limited access to everything needed to file this partial complaint.

1 Defendants evil and arbitrary conduct to obstruct, censor and dispose
2 of Plaintiffs outgoing and incoming mail lacks any legitimate penological
3 interest, in violation of the First, Sixth and Fourteenth Amendments to the
4 U.S. Constitution.

5 DEFENDANTS LEGAL LIABILITY

6 1) Defendants have participated in the alleged Constitutional violation;

7 2) Defendants have failed to take any action to stop the wrongdoing,
8 After being informed of the violation through letters, prison Grievances and
9 general complaints.

10 3) Defendants have created a policy or custom under which unconstitutional
11 practices occurred and allowed the continuance of such wrongdoing to
12 occur;

13 4) Defendants were grossly negligent in supervising their employees; and

14 5) All of the defendants exhibited deliberate indifference to the rights
15 of Plaintiff by failing to act on information indicating that Unconstitutional
16 acts are occurring in this case.

17 Plaintiff has no plain, adequate or complete remedy at law to redress
18 the Unconstitutional wrongdoings described herein. The Plaintiff has been and
19 will continue to be irreparably injured by the conduct of the defendants
20 unless this Court grants the declaratory and Injunctive Relief which Plaintiff
21 seeks.

22 Plaintiff's Short Declaration

23 *///*

24 */// Plaintiff has been isolated inside Prison walls by defendants*
25 *trying to obstruct adequate access to the courts. It*
26 *was extremely difficult to have this Partial Complaint*
27 *typed, copied and filed.*

28 */// However, Plaintiff's claims are true and correct a*
real truth without a single lie on it.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully prays that this Court enter judgment granting Plaintiff:

6) A Declaration that the acts and omissions described herein violated Plaintiffs rights under the Constitution and laws of the United States.

7) A Preliminary and Permanent Injunction ordering the defendant K. Allison and P. Cavello, to arrange Plaintiffs single cell status for the rest of his penal sentence.

8) A Preliminary and Permanent Injunction ordering defendants K. Allison and P. Cavello to stop the unconstitutional wrongdoings against Plaintiff.

9) A Preliminary and Permanent Injunction ordering defendants K. Allison and P. Cavello to facilitate necessary medical care for Plaintiffs medical issues.

10) Award Compensatory Damages for Plaintiffs physical and emotional injuries, and Punitive damages against each defendant in the amount of \$2,800,000.

11) A Jury Trial on all triable issues by July, 2022.

12) Appointment of professional Civil Lawyer for this complaint and previous pending complaint in which wrongdoing is still active and never ended.

13) A Federal investigation; and

14) Any other relief this Court deems just, proper and equitable.

DATED: 10-15-2021

RESPECTFULLY SUBMITTED,

Juan C. Calderon, Plaintiff

In Pro Per

///

///

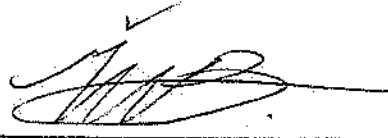
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VERIFICATION

I have read and written the foregoing Complaint and hereby verify that the matters alleged therein are true and correct, under penalty of Perjury.

EXECUTED THIS 15th DAY OF OCTOBER, 2021, AT THE MULE CREEK STATE PRISON IN IONE, CALIFORNIA.

DATED: 10-15-2021


Juan C. Calderon, Plaintiff

In Pro Per

MOTION FOR APPOINTMENT OF COUNSEL

Pursuant to 28 U.S.C. §1915(e)(1), Plaintiff moves for appointment of Counsel to represent him in this case. In support of this motion Plaintiff states;

1) Plaintiff is a foreign alien who has limited skills in civil litigation. Plaintiff has been isolated inside prison and unable to communicate with lawyers.

2) Plaintiff's incarceration will greatly limit his ability to litigate this case of conspiracy claims involving some "classified" governmental experimentation, which involves a huge collateral violations of Plaintiff's Federal constitutional rights still pending due to continuance of wrongdoing by the whole prison system, even government officials. This is a complex case.

3) Plaintiff's partial and pending complaints involve the conspiracy to experiment with Plaintiff under exceptional extraordinary circumstances and more likely "classified information" of the U.S. Government occupied on terrorist war.

4) Plaintiff's civil complaints involves some "classified" original plans for my incarceration purposes, which ended after the tragic events of September 11, 2001, when the unconstitutional wrongdoings began in this case.

1 5) Plaintiffs invasion of privacy may be a "classified" governmental
2 experimentation and is not a normal case.

3 6) Plaintiff fears the Government believes he is a terrorist, or serial
4 rapist, or something that deserves the conspiracy claims and such as criminal
5 organization of prison employees, inmates and people in general.

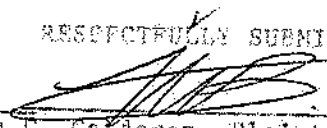
6 7) This Honorable Court should order a Federal investigation into this
7 very unusual and abnormal case.

8 8) Plaintiff has tried to get legal assistance desperately for this
9 civil case and to get rid of prison system.

10 Wherefore, Plaintiff requests the appointment of counsel.

11
12 DATED: 10-15-2021

RESPECTFULLY SUBMITTED,


Juan C. Carderon, Plaintiff

In Pro Per

Juan C. Calderon H75038
Male Creek State Prison
P.O. Box 409020
Tomb, CA 95640

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Juan C. Calderon,
Plaintiff,

vs. CDCR-Director (Acting) No.
K. Allison

Defendant(s).

PROOF OF SERVICE

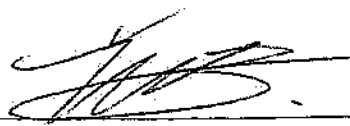
I, the undersigned, hereby certify that I am over the age of eighteen years and
on October 15th, 2021, I served a copy of

Civil Right Complaint under 28 U.S.C. 1983, 1985(a)(3), 1986

by placing a copy in a postage paid envelope addressed to the person hereinafter listed
by depositing said envelope in the United States Mail:

Office of the Clerk
United States District Court
(List All Defendants and Addresses Served) Eastern District of CA
501 "I" St. # 4-300
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.


Juan C. Calderon
ImPro Pia Persona